

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATTHEW DEWAIN MAULE,

Plaintiff,

File No. 1:06-CV-236

v.

HON. ROBERT HOLMES BELL

JIM CRAWFORD, et al.,

Defendants

**ORDER APPROVING AND ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter comes before the Court on Plaintiff Matthew Dewain Maule's objections (Dkt. No. 124) to Magistrate Judge Ellen C. Carmody's January 22, 2009, Report and Recommendation ("R&R") (Dkt. No. 123). The R&R recommends that Defendant Nancy A. Youngs's motion for summary judgment (Dkt. No. 112) be granted as to all of Plaintiff's claims, except his First Amendment retaliation claim. The R&R further recommends that the motion to dismiss and/or for summary judgment (Dkt. No. 115) filed by Defendants Jim Crawford, Russ Wayne, Gae Church, and Jean Hewgley, be granted. Finally, the R&R recommends that Plaintiff's claims against Defendant Sheila Genter be dismissed without prejudice for failure to timely effect service. Plaintiff filed objections to the R&R on February 9, 2009.

Plaintiff does not challenge the legal analysis in the R&R. Instead, Plaintiff objects to the R&R because he contends that even if his complaint was factually deficient, these deficiencies were cured by the facts alleged in his brief in opposition to Defendants' motions and in his affidavit. (Dkt. Nos. 76, 77.)

Contrary to Plaintiff's assumptions, there is no question that the Magistrate Judge considered Plaintiff's affidavit and brief before ruling on Defendants' motions for summary judgment. Moreover, Plaintiff has not identified any particular facts from his affidavit or brief that were not considered by the Magistrate Judge, or any facts that, if considered, would lead to a different result.

Having conducted the required review of the R&R and Plaintiff's objections thereto, the Court is satisfied that the R&R accurately recites the relevant facts and correctly applies the pertinent law. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's objections to the R&R (Dkt. No. 124) are **DENIED**.

IT IS FURTHER ORDERED that the Magistrate Judge's January 22, 2009, R&R (Dkt. No. 123) is **APPROVED and ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Defendant Youngs's motion for summary judgment (Dkt. No. 112), is **GRANTED IN PART and DENIED IN PART** as follows: the motion is denied as to Plaintiff's First Amendment retaliation claim and is granted as to all of the other claims in Plaintiff's complaint.

IT IS FURTHER ORDERED that **PARTIAL JUDGMENT** is entered in favor of Defendant Youngs on all of Plaintiff's claims except his First Amendment retaliation claim which will be permitted to go forward.

IT IS FURTHER ORDERED that the motion to dismiss and/or for summary judgment filed by Defendants Crawford, Wayne, Church, and Hewgley (Dkt. No. 115) is **GRANTED**.

IT IS FURTHER ORDERED that **JUDGMENT** is entered in favor of Defendants Crawford, Wayne, Church, and Hewgley as to all of Plaintiff's claims against them.

IT IS FURTHER ORDERED that Plaintiff's claims against Defendant Genter are **DISMISSED** without prejudice for failure to timely effect service.

Dated: March 4, 2009

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE